



## MEETING MINUTES

### **NORTH HAMPTON PLANNING BOARD Regular Meeting Tuesday May 1, 2007 Mary Herbert Conference Room**

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*These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription.*

**Members present:** Phil Wilson, Chairman; Shep Kroner, Vice Chairman, Laurel Pohl, Joseph Arena, Barbara Kohl, Tom McManus and Craig Salomon, Selectman's Representative.

**Absent:** None

**Others present:** Jill Robinson, Circuit Rider/RPC and Wendy Chase, Recording Secretary.

**Alternates present:** None

Chairman Wilson convened the meeting at 6:31pm and noted for the record that there was a full-member Board present.

### **Old Business**

**07:06 – MAX BMW Motorcycles, 209 Lafayette Road, North Hampton.** Site Plan Review application. The applicant proposes to construct a one story 40' x 80' addition to the rear of the existing building. Owner: Berkshire Real Estate, Property location: 209 Lafayette Road, zoning district I-B/R, M/L 021-004. **The applicant requests the following waivers:** (1) Section VIII.B.20 – stormwater drainage control plan, (2) Section VIII.B.21 – location of hydrants, streetlights and fencing and (3) Section VIII.B.27 – two copies of architectural rendering showing elevations. This case is continued from the April 2, 2007 meeting.

Present for this application:

Attorney Robert Battles

Dennis Moulton, Ames MSC Architects & Engineers

The Board was in receipt of the engineering report done by Steve Keach of Keach and Nordstrom Engineering. Mr. Moulton addressed each of Mr. Keach's comments/recommendations listed on the report submitted to the Board.

The first concern the Engineer had was that because the proposed building addition would be used for "storage and repair" the applicant would need to go before the ZBA to request a Special Exception pursuant to Section 405, which cites "motor vehicle service facilities" as a Special Exception use within the I-B/R district.

It was determined by the Board that the original Site Plan for the property, including use for servicing motorcycles, was approved in 2002, prior to the revision to Ordinance 405 dated March 9, 2004, therefore the applicant did not have to apply for a Special Exception.

Mr. Moulton explained that most of the comments from Mr. Keach were addressed and added to the new plan.

Mr. Wilson asked the applicant whether or not the proposed chain-link fence were visible from the road and questioned why he chose to use chain-link instead of wood. The owner said that it is visible with a “quick look” and that he chose metal because of strength issues. The wood gets damaged by high gusts of wind and is not durable enough to withstand the wind.

Mr. Keach made specific recommendations on the installation of the catch basins. Mr. Salomon commented that the Town’s Engineer would need to inspect the catch basins after completion and report back to the Board. Mr. Wilson suggested that if the application were approved then the Board could add a condition of approval that a letter be written to the Board by the Town Engineer stating that the details of the new catch basin as depicted on the plan are adequate.

Mr. Keach recommended that the applicant either obtain an updated driveway permit or obtain written confirmation from NHDOT indicating an updated driveway permit is not required at this time. Attorney Battles explained that they have contacted NHDOT and have not yet heard back from them. He offered to write them a letter and attach a copy of the revised plan and ask them to respond. Mr. Wilson agreed with Dr. Arena that it does not seem that the proposed addition will increase traffic.

The Board proceeded to act on the requested waivers.

- (1) Article VIII, Section VIII.B.20 – Stormwater drainage control plan. The applicant argued that there will be no increase to impervious surface and the sealed surface will actually decrease by 4%.
- (2) Article VIII, Section VIII.B.21 – Location of hydrants streetlights and fencing. The applicant withdrew the request for this waiver.
- (3) Section VIII.B.27 – two copies of architectural rendering showing elevations. The plans submitted for architectural renderings did not technically meet the requirements of the Town’s standards.

Mr. Wilson opened the public hearing on the waiver requests at 7:02.

Mr. Wilson closed the public hearing at 7:03 without public comment.

**Dr. Arena moved and Mr. McManus seconded the motion to grant the waiver to Article VIII, Section VIII.B.20 – Stormwater drainage control plan.**

**The vote was unanimous in favor of the motion (7-0).**

**Dr. Arena moved and Mr. Salomon seconded the motion to grant the waiver to Article VIII, Section VIII.B.27 –two copies of an architectural rendering showing all elevations.**

**The vote was unanimous in favor of the motion (7-0).**

**Dr. Arena moved and Mr. Salomon seconded the motion to take jurisdiction of the Site Plan Review application, case #07:06.**

**The vote was unanimous in favor of the motion (7-0).**

Mr. Wilson opened the public hearing at 7:05pm.

Mr. Wilson closed the public hearing at 7:06pm without public comment.

**Mr. Salomon moved and Dr. Arena seconded the motion to approve the Site Plan Review application, case #07:06 with the following conditions:**

- 1. A recordable Mylar shall be submitted of the approved plan with all required signatures and seals affixed.**
- 2. A note shall be added to the plan stating that all new lighting will conform to the *dark sky* standards.**
- 3. A letter shall be submitted to the Planning Board from the Town’s Engineer stating that the details of the new catch basin as depicted on the plan are adequate.**

**The vote was unanimous in favor of the motion (7-0).**

## **New Business**

**07:08 – 22 Lafayette Road, LLC, PO Box 265, Hampton. Site Plan Review application. The applicant proposes to construct a 12’ x 14’6” addition to the front of the existing car wash tunnel to house drying equipment. Property location: Prowash Carwash, 22 Lafayette Road, zoning district I-B/R, M/L 003-099. The applicant requests the following waiver: Section VIII.B.20 – Stormwater Drainage Control Plan.**

In attendance for this application:

George Chobain, Civil Consultants

Brian Messier, Prowash Carwash Manager

Mr. Wilson noted for the record that the Board was in receipt of a letter from Peggy Chidester of Stoneleigh Park Plaza, Inc, an abutter to the carwash, requesting that the Board not grant the applicant’s request to waive Section VIII.B.20 – Stormwater drainage control plan.

Mr. Keach stated in his engineering report to the Board that he was not opposed of the Board granting the waiver to Section VIII.B.20 because the proposed improvement will not result in a net increase of impervious surface.

Mr. Wilson opened the public hearing at 7:21pm.

Mr. Wilson closed the public hearing at 7:22pm without public comment.

**Mr. Kroner moved and Dr. Arena seconded the motion to grant the applicant's requested waiver to Section VIII.B.20.**

**The vote passed (6 in favor, 0 opposed and 1 abstention). Mr. Salomon abstained due to a conflict of interest.**

Mr. Chobain reviewed the proposed plan with the Board. He explained that brick pavers would be added to the proposed equipment addition site and added that the pavers are pervious. Ms. Robinson asked if any kind of maintenance is needed for the pavers, he answered that there would be no additional maintenance.

**Mr. Kroner moved and Dr. Arena seconded the motion to take jurisdiction of the Site Plan Review application, case #07:08.**

**The vote passed (6 in favor, 0 opposed and 1 abstention). Mr. Salomon abstained.**

Mr. Wilson opened the public hearing at 7:37pm.

Mr. Wilson closed the public hearing at 7:38pm without public comment.

Mr. Keach commented in his report that the location of the sign as shown on the plan does not conform to the requirements of Article X, Section 506.6.A and 506.6.D of the Zoning Ordinance. He recommended that the proposed expanded monument sign be set back a minimum of ten-feet from the westerly line of the Lafayette Road right-of-way.

The Board determined that the applicant's sign application would most likely be continued to next month and offered the applicant the opportunity to wait until the proposed sign application is approved and combine the new site plan and new sign location onto one Mylar for recording purposes. Mr. Wilson suggested that a condition of approval be added, if the site plan review application is approved, which states that the location of the sign is dependant on the disposition of the Conditional Use Permit sign application for the new proposed sign.

Dr. Arena stated that he did not agree with the offer to the applicant and that each application should be handled separately and that a condition of approval on one application should not be contingent upon a separate application. Mr. Wilson explained that the two applications are handled separately and that the suggested condition of approval does not affect the outcome of either the Site Plan Review application or the Conditional Use Permit Sign application.

The applicant was agreeable to combine both the site plan and sign location onto one Mylar.

**Mr. Kroner moved and Mr. McManus seconded the motion to approve the Site Plan Review application, case #07:08 with the following conditions:**

- 1. Recordable Mylar: The applicant shall submit a recordable Mylar of the approved plan with all required signatures and seals affixed.**

- 2. A note shall be added to the plan that states that the location of the sign is dependant on the disposition of the Conditional Use Permit sign application for the new proposed sign.**

**The vote passed (5 in favor, 0 opposed and 2 abstentions). Mr. Salomon and Dr. Arena abstained.**

**07:09 – 22 Lafayette Road, LLC, PO Box 265, Hampton.** Conditional Use Permit Sign application. The applicant proposes to remove 2 signs and replace them with one internally lit monument sign. Property location: Prowash Carwash, 22 Lafayette Road, zoning district I-B/R, M/L 003-099. **The applicant requests the following waiver:** Section F.3.b.7 – Lighting.

Due to the comments made in the Town Engineer's report regarding the location of the proposed sign not meeting the Ordinance requirement the Board decided to table the Conditional Use Permit Sign application to the June 5, 2007 meeting. The Applicant will come back to the Board next month with a revised plan.

**Dr. Arena moved and Ms. Pohl seconded the motion to continue case #07:09 to the June 5, 2007 meeting.**

**The vote was unanimous in favor of the motion (7-0).**

**07:10 – Drew Talley, 78 High Rd., Lee, NH.** Conditional Use Permit Sign application. The applicant proposes to erect a 17.4 sq. ft bracket mounted wall sign. Property owner: 14 Lafayette Realty Trust, LLC (Tina Montgomery). Property location: 14 Lafayette Road, zoning district I-B/R, M/L 003-096.

It was determined by the Board that because the proposed sign met the zoning ordinance requirements the Building Inspector has the authority to issue a sign permit.

**Dr. Arena moved and Mr. Salomon seconded the motion to direct Ms. Chase to inform Building Inspector Richard Mabey that he has the authority to grant the sign permit for case #07:10.**

**The vote was unanimous in favor of the motion (7-0).**

**07:11 – Jon Bowers, 897 Washington Road, Rye, NH.** Site Plan Review application. The applicant proposes to establish an exotic car showroom and to sell at a low volume of six to ten cars twice per month. Property owner: 9 Lafayette Realty LLC. Property location: 7 Lafayette Road, zoning district I-B/R, M/L 003-080. **The applicant requests the following waiver:** Section XIII.B.4 –Parking requirement.

In attendance of this application:

Jon and Lina Bowers, Applicants

Dr. Arena and Mr. Wilson agreed that the application should have been presented as a Change of Use application rather than a Site Plan Review application.

The Board discussed the requested waiver to Section VIII.B.4. Ms. Pohl asked if the applicant allowed, “test drives” of the vehicles. Mr. Bowers said that he would allow “test drives” but explained that his goal was to sell the vehicles mainly over the Internet.

Mr. Wilson opened the public hearing at 8:22pm.

Mr. Wilson closed the public hearing at 8:23pm without public comment.

**Mr. Salomon moved and Mr. Kroner seconded the motion to approve the waiver to Section VIII.B.4.**

**The vote was unanimous in favor of the motion (7-0).**

Mr. Bowers explained the following (1) he planned to be open for business daily and wishes to establish a reputation where buyers would mainly make purchases unseen and off of the internet, (2) he will apply for a replacement sign with the Building Inspector, (3) there will be single cars in and single cars out through the back of the building, (4) there will be no changes to the building and (5) no detailing of the vehicles on the premises.

**Dr. Arena moved and Ms. Pohl seconded the motion to take jurisdiction of case #07:11.**

**The vote was unanimous in favor of the motion (7-0).**

Mr. Wilson opened the public hearing at 8:31pm.

Mr. Wilson closed the public hearing at 8:32pm without public comment.

**Mr. Salomon moved and Mr. Kroner seconded the motion to approve the Site Plan Review application as a Change of Use application with the following conditions:**

- 1. All inventory shall be kept inside of the building.**
- 2. The sign shall be a replacement sign and shall not be materially altered.**
- 3. There shall be no maintenance, fueling or detailing of the vehicles on the site.**
- 4. There shall be no changes made to the exterior of the building.**

**The vote was unanimous in favor of the motion (7-0).**

## **Other Business**

Mr. Kroner explained to the Planning Board members that he had requested from the Building Inspector a copy of the site plan for Tax Map/lot 007-122 and 007-123 to review and verify what was actually approved by the Planning Board for those lots.

The notes on the site plan were reviewed, especially notes #12 and #13 that state no outdoor storage. Ms. Chase informed the Board that Mr. Mabey was in the process of sending the owner a notice of violation.

Mr. Kroner suggested that Mr. Mabey be asked to attend the next Planning Board Work Session to update the Board on the site described as Tax Map/lot 007-122 and 007-123.

**Mr. Kroner moved and Mr. McManus seconded the motion to request Building Inspector Richard Mabey to attend the May 10, 2007 Planning Board Work Session to update the Board on the activity at 007-122 and 007-123.**

**The vote passed (6 yes, 0 opposed and 1 abstention). Mr. Salomon abstained.**

Dr. Arena brought up the subject of disposing batteries and suggested that the Board look into creating an ordinance addressing the proper disposal of batteries. Mr. Wilson opined that it would be more of the Selectmen's responsibility and suggested Mr. Salomon bring the topic up to the Board of Selectmen. Mr. Kroner said he had information on the subject. Mr. Salomon said that after receiving Mr. Kroner's information he will address the issue of proper battery disposal with the Board of Selectmen.

**A motion was made and seconded to adjourn at 8:55pm.**

**The vote was unanimous in favor of the motion (7-0).**

Respectfully submitted,

Wendy V. Chase  
Recording Secretary